

IN THE

UNITED STATES CIRCUIT COURT OF APPEALS

FOR THE NINTH CIRCUIT.

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OSWALD SOMMER,

*Plaintiff in Error,*

vs.

CARBON HILL COAL COMPANY, A CORPORATION, ORGANIZED UNDER THE LAWS OF CALIFORNIA, AND DOING BUSINESS IN PIERCE COUNTY, WASHINGTON,

*Defendant in Error.*

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SUPPLEMENTAL RECORD.

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In Error to the Circuit Court of the United States  
for the District of Washington, Western  
Division, Tacoma.

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FILED  
MAY 1908



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State, and that your petitioner, Carbon Hill Coal Company, was at the time of the commencement of this action, and still is, a citizen of the State of California and of no other State, having its chief office in the city of San Francisco in said State, and authorized and empowered to transact business in the State of Washington, but not a resident or citizen of said State of Washington.

Third.—That your petitioner desires to remove this suit before the trial thereof into the next Circuit Court of the United States, to be held in the Western Division of the District of Washington, and your petitioner offers herewith good and sufficient surety for its entry in the said Circuit Court of the United States on the first day of its next session a copy of the record in this suit, and for paying all costs that may be awarded by the said Circuit Court of the United States if said Court shall hold that this suit was wrongfully and improperly removed thereto.

Your petitioner therefore prays that the said surety and bond may be accepted; that this said suit may be removed into the next Circuit Court of the United States to be held in the District of Washington in and for the Western Division of said District, pursuant to the statutes of the United States in such cases made and provided, and that no further proceeding may be had herein in this Court.

And your petitioner will ever pray.

CARBON HILL COAL COMPANY.

By D. T. DAVIES,

Its Superintendent.

J. M. ASHTON,

Attorney for Petitioner.

State of Washington, }  
County of Pierce. } ss.

D. T. Davies makes oath and says that he is the superintendent of the petitioner above named, and duly authorized and empowered to supervise and transact its business in the State of Washington, and duly authorized and empowered to sign and present the foregoing petition. That the said petition is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to these matters he believes it to be true.

D. T. DAVIES.

Subscribed and sworn to before me this 7th day of January, 1897.

ELMER E. SCHOOLEY,  
Notary Public in and for the State of Washington, residing at Carbonado, Pierce County, Washington.

Filed Jan. 9, 1897. W. A. Fairweather, Clerk. By J. A. Pleasants, Deputy.

*In the Superior Court of the State of Washington, in and for  
the County of Pierce.*

OSWALD SOMMER,

Plaintiff,

vs.

CARBON HILL COAL COMPANY, a  
Corporation,

Defendant.

### **Order of Removal.**

The defendant herein having, within the time provided by law, filed its petition for removal of this cause to the Circuit Court of the United States for the District of Washington, Western Division, and having at the same time offered its bond in the sum of five hundred dollars with good and sufficient surety, pursuant to statute and conditioned according to law:

Now, therefore, this Court does hereby accept and approve said bond, and accept said petition, and it is hereby ordered that this cause be removed to the next Circuit Court of the United States for the District of Washington, Western Division, pursuant to the statutes of the United States in such cases made and provided, and that all other proceedings of this Court herein be, and the same are hereby, stayed.

JOHN C. STALLCUP.

Filed Jan. 9, 1897. W. A. Fairweather, Clerk. Entered, J. 58, p. 513. Dept. 2. Jany. 9, 1897.

**Clerk's Certificate.**

United States of America, }  
District of Washington. } ss.

I, A. Reeves Ayres, clerk of the Circuit Court of the United States for the District of Washington, do hereby certify that I have compared the foregoing copy with the original petition and order as shown by the transcript in said cause from the Superior Court of the State of Washington, in and for the County of Pierce, now on file and of record in my office at Tacoma, and that the same is a true and perfect copy of said original, and of the whole thereof.

Witness my hand and the seal of said Court this 25th day of February, 1898.

[Seal]

A. REEVES AYRES,  
Clerk.

By Saml. D Bridges,  
Deputy.

[Endorsed]: Filed March 3d, 1898. F. D. Monckton,  
Clerk.

